

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8894 of 2020

Arising Out of PS. Case No.-307 Year-2017 Thana- KUCHAIKOTE District- Gopalganj

Saheb Manjhi, Son of Late Ram Pravesh Manjhi, Resident of Village -
Salempur, P.S.- Ishuapur, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.B.N. Mishra, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 14-05-2020 The matter has been listed today for consideration through video conferencing in view of the nationwide lockdown on account of COVID-19 pandemic.

The learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings from their homes, all with the aid of audio visual technology.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Kuchaikote P.S. Case No.307 of 2017 instituted for the offence under Sections 272, 273, 420 of the Indian Penal Code and Sections 30(a), (b) and (c) of the Bihar Prohibition & Excise Act, 2016.



One truck bearing Registration No.HR55K-7034 was stopped during a routine checking by the police personnel, leading to recovery of illicit wine to the tune of 2044.800 litres. The petitioner's name has surfaced on the statement of the driver Pankaj Singh as being the owner of the vehicle in question.

It is submitted by the petitioner's counsel that on account of criminal antecedents of similar nature, the petitioner has been implicated in this case. The petitioner has no concern nor has he any knowledge about the contents of the truck in question. He was neither present in the truck nor recovery has been made from his possession. There is nothing on the record to show that the petitioner has engaged in the business of illicit liquor. Under these circumstances, he is in custody since 03.12.2019.

Learned APP for the State has opposed the prayer for bail by submitting that the quantity of recovery is quite large and the truck from which recovery has been made stands in the name of the petitioner.

Considering the rival submissions, the prayer for bail is allowed.

Accordingly, let the petitioner, above named, be



released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II-cum-Special Judge, Excise, Gopalganj, in connection with Kuchaikote P.S. Case No.307 of 2017, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

It is further made clear that during currency of the nationwide lockdown due to COVID-19 pandemic, requirement of furnishing bail bonds and conditions shall remain suspended and the petitioner be released on executing and furnishing his personal bond to the satisfaction of the court concerned.

The petitioner must comply with the requirement of furnishing bail bonds and conditions in terms of this order within four weeks after normal working resumes, failing which



bail granted under this order shall stand cancelled and petitioner shall be liable for the consequences thereof in accordance with law.

Let this order be communicated, without any delay, to the court of learned Additional Sessions Judge II-cum-Special Judge, Excise, Gopalganj and the competent authority of the State in terms of clause 13 of Notice II published in the Cause List uploaded on the website of the Patna High Court.

(Madhuresh Prasad, J)

PNM

U		T	
---	--	---	--

